

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRANDON SCOTT LAVERGNE
LA. DOC #424229

CIVIL ACTION NO. 6:13-2146

SECTION P

VERSUS

JUDGE HAIK

LAFAYETTE CITY POLICE
DEPARTMENT, ET AL

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED that Lavergne's civil rights complaint for alleged false statements and unconstitutional seizure of evidence connected with the 2012 murder investigation of both Shunick and Pate and subsequent state criminal proceeding be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's civil rights complaint be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that Lavergne's claims under Louisiana State law be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is directed to send a copy of this Judgment to the Keeper of the Three Strikes List, Tyler, Texas.

THUS DONE AND SIGNED, in chambers, Lafayette, Louisiana, on this 6th day of March, 2014.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE